

KENTUCKY'S ENVIRONMENT

The Newsletter of the Environmental Quality Commission
Volume 14, No. 3 June-July 1998

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is a seven-member citizen board that advises officials on environmental matters, provides a public forum for the discussion of issues, and monitors environmental conditions. To receive the free EQC newsletter call 502-564-2150 ext. 160, e-mail EQC@mail.nr.state.ky.us, or write to EQC at 14 Reilly Rd., Frankfort, KY 40601. EQC Internet Web page <http://www.state.ky.us/agencies/eqc/eqc.html>. Printed bimonthly with state funds.

Governor Issues Second Set of Emergency Regulations for Large Swine Operations

On April 17, 1998 Governor Paul E. Patton signed new emergency regulations governing the operation of large swine operations in Kentucky. The Natural Resources and Environmental Protection Cabinet (NREPC) filed them with the Legislative Research Commission (LRC) along with a Notice of Intent (NOI) to promulgate permanent administrative regulations. The new emergency regulations replace the previous emergency regulations, issued last September, that ceased to be effective when the state legislature adjourned on April 15. The new emergency regulations will stay in effect while the Cabinet develops permanent regulations which are expected to be very similar to the new emergency regulations.

On June 25, as part of the permanent regulations development process the Cabinet held a public hearing in Frankfort. This meeting provided an opportunity for the public to comment on the emergency regulations and express what the permanent regulations should include. Within the next month the Cabinet is expected to submit the proposed permanent regulations to LRC.

Provided below are the major changes between the two emergency regulations.

Siting Requirements

- Setbacks have been increased:
 - For barns and lagoons, the property line setback is increased to 750 ft. from 150 ft.
 - For land application using methods other than injection, the dwelling setback is increased to 1,000 ft. from 750 ft., the property line setback is increased to 500 ft. from 100 ft., and the city limit setback is increased to 2,000 ft. from 1,500 ft.

- Barns and lagoons are prohibited in sinkholes or subsidence areas.

Permit Application, Fees and Timetable

- Requires an integrator or contractor to co-sign a permit application and be jointly liable for permit compliance.
- Operations are related if they share common lagoons and land application areas.
- Permit fees are eliminated.
- Cabinet's final decision on a permit is reduced to 90 days from 180 days.
- The public comment period for a cabinet permit action is extended to 30 days from 10 days.

Continued back page - Emergency Swine Regulations

MEETINGS/CONFERENCES

Daniel Boone Nat'l Forest - First Thursday of Each Month - Beginning in June the planning team will be holding team meetings open to the public in Winchester. Contact: Rick Wilcox, DBNF, 606-745-3156.

July 23-24 - KY Environmental Permitting Course - The course will guide participants through the process of obtaining an air or water permit. Marriot's Griffin Gate Resort, Lexington. Contact: Phyllis Wells, KY Chamber of Commerce, 502-695-4700.

July 29 - Soil & Water Management Workshop - Woodford Co. Agricultural Bldg., Versailles. Contact: Randal Rock, 606-873-4941.

Aug. 2 - KY Trees & Summer Wildflowers Educational Program - Salato Wildlife Educ. Ctr., Frankfort. Contact: Mary Carol Cooper, Dept. F&W, 800-858-1549.

Aug. 6 - KY Forest Resource Council Meeting - Division of Forestry, 627 Comanche Trail, Frankfort. Contact: Mark Matuszewski, Div of Forestry, 502-564-4496.

Aug. 7 - 11th Annual Ky Professional Engineers in Mining Seminar - Holiday Inn North, Lexington. Contact: Kim King, UK, 606-257-4634.

Aug. 15 - DBNF Forest Plan Public Workshop - EKV, Richmond. Pre-registration required and due by July 24. Contact: DBNF, 606-745-3166.

Aug. 22 - Field Trip to Natural Bridge State Park Nature Preserve - Contact: Karen Gossett, KSNPC, no later than Aug. 14, 502-573-2886.

Aug. 29 - KY Native Plant Sale - Salato Wildlife Educ. Ctr., Frankfort. Contact: Kim Thompson, Dept. F&W, 800-858-1549.

Sept. 14-18 - Working at a Watershed Level: A Training Course - Sessions will be held at UK, The Council of State Governments and Radisson Hotel, Lexington. Contact: Marcia Hensley, CSG, 606-244-8162.

Sept. 18-19 - Every Drop Counts Workshop: a Soil & Water Education Workshop for Youth Educators - Evansville, IN. Contact:

Greenhouse Gas Mitigation Report Offers Policy Options



The threat of global warming is a serious concern for scientist, citizens and policymakers. Worldwide global concentrations of carbon dioxide, one form of greenhouse gas (GHG), have been estimated to have increased nearly 25 percent in the last 100 years and since the industrial revolution some two hundred years ago 30 percent. Emissions from GHGs in Kentucky are projected to increase significantly unless several policy changes are implemented.

On June 30, 1998 the publication "Climate Change Mitigation Strategies for Kentucky - Policy Options for Controlling Greenhouse Gas Emissions Through the Year 2020 AD" was released. The report, authored by Hugh Spencer, Sc.D. University of Louisville, outlines a range of policies the Commonwealth can implement that would work to reduce emissions of greenhouse gases. The recommended policies had to meet two criteria: they must not be too costly and must be flexible to entities that would have to implement them.

The report presents a range of policy options. The first policy options are relatively modest and could be implemented without large changes in budgets or investment patterns. If larger reduction are deemed necessary the policies can be maximized to reduce higher levels of greenhouse gas emissions.

Several policies were found to have significant potential for GHG emissions reduction. They include:

- improve forest management and timber production,
- use of clean coal technologies and natural gas to generate electricity and replace a number of existing conventional coal power plants,
- reduce emission from chlorofluorocarbon production,
- improve industrial efficiency, and
- improve building construction practices and enforcement of energy related codes.

For more information contact Geoff Young, KY Division of Energy, 502-564-7192.

Congratulations



On May 3, 1998, EQC welcomed its newest family member, Evan Cole Skillman. Congratulations go out to EQC's Executive Director Leslie Cole and her husband James Skillman in the birth of their son.

Jennifer Cocanougher, UK, 606-257-6094.

Sept. 29-Oct. 1 - 1998 KY Nonpoint Source Conference - Ctr. for Rural Development, Somerset. Contact: Geaunita Caylor, Ky Water Resources Inst., 606-257-2820.

PUBLIC NOTICES/HEARINGS

KY Division of Waste Management - Hazardous Waste Notices

*** Hallmack (NuTone), Inc. (Mercer Co.) - Public Notice** that the NREPC has received a request from Williams Y&N Holdings to transfer their RCRA post-closure permit for a closed hazardous waste landfill to Yale Security, Inc. **Public Comment** on the permit modification is due on or before August 31, 1998. Contact: Michael V. Welsh, 502-564-6716.

KY Division of Waste - Solid Waste and Underground Storage Tank Notices - - No notices.

KY Division of Water - KPDES Water Permit Notices

*** Dance Enterprises Mobile Home Park (Woodford Co.) - A Public Hearing** is scheduled on August 25 at Northside Elementary School in Midway. The permit action involves a new sanitary discharge from a trailer park, restaurant, grocery and residences that enter S. Elkhorn Creek at mile 34.98. All **Public Comment** is due no later than August 25. Contact: Judy Zeigler, DOW, 502-564-2150.

***30 Water Discharge Permit Issuances/Reissuances** - (Public Notices 1998 22-24). Contact: Judy Ziegler, 502-564-3410, ext. 465.

KY Division for Air Quality - Notices

*** 3M Tape Manufacturing Div., Cynthiana (Harrison Co.)** - PSD construction/operating permit for modification of 1R & 2R coaters. (log# F578)

*** Bremner, Inc., Princeton (Caldwell Co.)** - conditional major source operating permit for a cracker and cookie bakery. (log#E612)

*** Martiki Coal Corp., Wolf Creek Plant, Lovely (Martin Co.)**

continued back page - see Public Notices



Fecal Coliform Bacteria Continues to Make Some Kentucky Waterways Unsuitable for Swimming

In May, the KY Division of Water and the Department of Health Services issued a joint advisory asking Kentuckians to avoid swimming and other recreational contact with waters in three areas of the state, along with all waterways in or directly downstream of urban areas.

High levels of fecal coliform bacteria have been detected through sampling efforts. The source of the bacteria includes illegal straight pipe discharges, malfunctioning septic tanks, and discharges from sanitary wastewater treatment plants.

Swimming advisories are in effect for the following waterways:

Upper Cumberland River

- Four Mile Creek (Hwy 2014) to Pineville at Hwy 66 Bridge.
- Wallins Creek Bridge (Hwy 219) to Harlan.
- Martins Fork from Harlan to Cawood Water Plant.
- Entire stretch of Catrons Creek, Clover Fork and Straight Creek.
- Looney Creek from the mouth to Lynch Water Plant Bridge.

North Fork of the Kentucky River

- Upstream of Chavies.

Licking River

- Entire length of Banklick Creek to Ohio River.
- Entire length of Three Mile Creek.

Urban Areas

- All waterways in and directly below urban areas.

For more information contact Maleva Chamberlain, DOW, at 502-564-3410. Sampling data is available on-line (<http://water.nr.state.ky.us/dow/riverdata.htm>).

Public Notices Continued - from page 1

- Title V operating permit with significant revisions for a coal preparation plant (log #F699).
- * Pontiki Coal Corp., Lovely (Martin Co.) - Title V operating permit for a coal preparation plant (log #F698).
- * Red Wing Shoe Co., Danville (Boyle Co.) - conditional major source operating permit for shoe manufacturing plant (log #437).
- * Lucas Varsity Heavy Vehicle Braking Systems, Inc., Carrollton (Carroll Co.) - Title V operating permit for a motor vehicle parts manufacturing (log #F074).
- * Composite Concepts International, Inc., Munfordsville (Hart Co.) - conditional major source construction and operating permit for a fiberglass burial vault manufacturing plant (log #F637).

PROPOSED STATE REGULATIONS

- * Division of Forestry - Notice of Intent to Promulgate Administrative Regulations - DOF will receive oral and written public comment on proposed administrative regulations that deal with the subject matter of the Master Logger Program and incorporate by reference the Best Management Practices of the KY Agriculture Water Quality Plan. A Public Hearing is scheduled for July 24, at 10:00 a.m., 663 Teton Trail, Office of the Dept. for Natural Resources, Frankfort. Contact: Larry Lowe, Div. of Forestry, 502-564-4496.

FEDERAL NOTICES

- * Office of Surface Mining (OSM) - OSM is proposing revisions to Abandoned Mine Land (AML) rules regarding the financing of the reclamation projects that involve the incidental extraction of coal. OSM is seeking an innovative way for AML agencies to maximize available funds to increase AML reclamation. Written Comments will be accepted on the proposed rule until July 27. Contact: William J. Kovacic, OSM, 606-233-2494.

Emergency Swine Regulations continued from front page

Swine Units (SU)

- An existing operation may expand to 1,250 SU after 4/15/99 if it has been permitted pursuant to 401 KAR 5:005 and has operated with no violations for the previous 12 months.
- The proposed regulation still applies to new operations confining 1,000 or more SUs.
- The equation for calculating swine units is modified to incorporate a broader range of operations (i.e. farrow to feeder, farrow to wean, wean to finish).
- The amnesty period for existing operations greater than 1,000 SUs to comply with 401 KAR 5:005 is extended to 10/15/98.
- The provision was removed allowing the variation (10%) of SUs above permitted levels without permit modification.

Lagoon Construction, Monitoring and Repair

- Aerobic lagoon technology as a primary treatment option is allowed.
- Lagoon waste production capacity is increased to 180 days from 120 days.
- Monitoring frequency is changed to quarterly from semiannually.
- Lysimeters can be used to monitor for leaks rather than wells.
- The compacted soil liner will have a minimum hydraulic gradient of 8.0 and the liner will be placed in two 6" lifts unless the naturally occurring soil can be compacted in-place with the addition of one 6" lift.

Land Application

- Spray application of waste is prohibited on crops grown for direct human consumption.
- Nutrient management plans do not have to be developed by an agronomic professional or the NRCS.
- Residual solids can be either injected or incorporated into soil within 24 hours of application.
- The duration of the lease required to land apply on another's property is reduced to 5 years from 10 years.

Reporting Requirements

- Data and records retention is reduced to 5 years from 10 years.

For more information concerning the emergency regulations and efforts to develop permanent regulations, contact Mark York, NREPC, at 502-564-3350.

PUBLICATIONS

- *Maxey Flats Nuclear Disposal Site 1996 Summary Report Data: Surface Water and Well Water - The Radiation Health and Toxic Agents Branch of the Cabinet for Health Services released a summary report on surface water and well water testing concerning Maxey Flats and concluded that the site does not represent a threat to public health and safety. Copies of the summary and the entire data set is available upon request. Contact: John Volpe, 502-564-3700.

EQC Noteworthy News

- EQC is honored to report that it has received the Kentucky Waterways Alliance (KWA) 1998 Award for Education and Outreach. The KWA award recognizes EQC's 1997 Clean Water Campaign. The goal of the Campaign was to build public awareness and identify opportunities to address water pollution problems in Kentucky.
- On April 21, Lexington Community College (LCC) recognized EQC for helping to support LCC's newly created Environmental Science Technology Program. EQC donated environmental reference documents and coordinated the NREPC's efforts to stock the program's resource library.



Please Recycle this Recycled Paper

Paper Recovery Reaches All-Time High Recycling Times reported in April that the US recovered an all-time high of 45 million tons of paper for recycling in 1997. This represents a 5% gain from the amount recovered in 1996.

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